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HOUSE BILL 303

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO HOMELAND SECURITY AND EMERGENCY MANAGEMENT;  
PROVIDING FOR IMMUNITY FROM TORT LIABILITY FOR CERTAIN  
VOLUNTEERS WHO PROVIDE PROFESSIONAL SERVICES AT THE SCENE OF AN  
EMERGENCY OR DISASTER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-28-1 NMSA 1978 (being Laws 2007,  
Chapter 291, Section 1) is amended to read:

"9-28-1. SHORT TITLE.--~~[Sections 1 through 6 of this act]~~  
Chapter 9, Article 28 NMSA 1978 may be cited as the "Homeland  
Security and Emergency Management Department Act"."

Section 2. A new section of the Homeland Security and  
Emergency Management Department Act is enacted to read:

"[NEW MATERIAL] CIVIL LIABILITY--LIMITED.--A person who  
voluntarily and without compensation, at the request of and

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underscoring material = new  
[bracketed material] = delete

underscored material = new  
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1 under the direction and control of the department, provides  
2 professional services at the scene of an emergency, disaster or  
3 catastrophic event shall not be liable for any personal injury,  
4 wrongful death, property damage or other loss caused by  
5 negligence in the performance of any service. Nothing in this  
6 section shall provide immunity for wanton, willful or  
7 intentional misconduct or gross negligence. Nothing in this  
8 section shall provide immunity for the state, except as  
9 otherwise provided in law."

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